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10 Attorneys for Plaintiffs,
11 UMG RECORDINGS, INC.; CAPITOL
12 RECORDS, INC.; FONOVIDA, INC.; and
13 INTERSCOPE RECORDS
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; FONOVIDA, INC., a
California corporation; and INTERSCOPE
RECORDS, a California general partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 4:08-CV-01038-SBA

Honorable Saundra Brown Armstrong

**SUPPLEMENTAL DECLARATION OF
MATTHEW FRANKLIN JAKSA IN
FURTHER SUPPORT OF *EX PARTE*
APPLICATION FOR LEAVE TO TAKE
IMMEDIATE DISCOVERY [Docket No. 3]**

DECLARATION OF MATTHEW FRANKLIN JAKSA

I, Matthew Franklin Jaksa, declare:

1. I am an associate in the law firm of Holme Roberts & Owen LLP ("HRO"). HRO
serves as lead national counsel for Plaintiffs in this and all similar actions. I have personal
knowledge of all facts set forth in this declaration, except as where stated on information and belief.
As to such facts, I believe them to be true.

1 2. On May 18, 2008, an individual identifying himself as a law clerk for the Honorable
2 Saundra Brown Armstrong left me a voicemail message requesting that Plaintiffs submit certain
3 supplemental materials in order to enable the Court to rule on Plaintiffs' *Ex Parte* Application For
4 Leave to Take Immediate Discovery, filed on February 21, 2008 and entered as Docket No. 3.
5 Plaintiffs were requested to: (1) submit to the Court the list of files Defendant has made available for
6 distribution to the public, as referenced in Paragraph 19 of the Declaration of Carlos Linares, filed on
7 February 21, 2008 and entered as Docket No. 7; (2) explain why Plaintiffs are unable to notice a
8 hearing on their *Ex Parte* Application For Leave to Take Immediate Discovery, as by uploading a
9 file to Defendant John Doe's computer through the "peer-to-peer" ("P2P") file sharing network that
10 Plaintiffs allege was used to infringe Plaintiffs' copyrights; and (3) submit a proposed order in the
11 format described in Judge Armstrong's Standing Order for Civil Cases and incorporating a
12 discussion of the notice issue.

13 3. Attached as **Exhibit A** is a true and correct copy of the list of files Defendant has
14 made available for distribution to the public, as referenced in Paragraph 19 of the Declaration of
15 Carlos Linares, filed on February 21, 2008 and entered as Docket No. 7.

16 4. As explained in the Supplemental Declaration of Katheryn J. Coggon, filed herewith,
17 it is not possible to give notice to the John Doe Defendant by uploading a file to Defendant's
18 computer using a P2P file copying network.

19 5. However, if the Court grants Plaintiffs' *Ex Parte* Application For Leave to Take
20 Immediate Discovery and authorizes Plaintiffs to serve a Rule 45 subpoena on Defendant's Internet
21 service provider ("ISP"), Defendant will have an opportunity to object before his or her information
22 is released pursuant to the subpoena. Plaintiffs will serve a cover letter along with their subpoena
23 that asks the ISP to notify the user of the pending subpoena so that the user can move to quash the
24 subpoena or contact Plaintiffs directly to attempt to resolve the matter prior to the return date on the
25 subpoena. In addition, a properly framed court order, such as the proposed order filed herewith,
26 would ensure that Defendant has the opportunity to object before the return date on the subpoena.

27 6. Filed along with this Declaration and the Supplemental Declaration of Katheryn J.
28 Coggon, is a proposed order in the form requested by the Court. In addition, the proposed order

1 directs the ISP, within five days of being served, to notify Defendant that a subpoena has been issued
2 seeking his or her records, so that Defendant will have an opportunity to file a motion to quash
3 before the return date on the subpoena.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

6 Executed this 21st day of May, 2008, at San Francisco, California.

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EXHIBIT A

131180313_UserLog(Compressed).txt

Evidence for Log Ref ID: 131180313

Log for User at address 169.233.18.36:49012 generated on 5/30/2007 2:56:46 PM EDT (-0400 GMT)

Total Recognized Files Being Distributed: 342

Total Recognized Audio Files: 170

Total Recognized Video Files: 0

Total Recognized Software Files: 0

Total Recognized Document Files: 0

File Name: Rupee Ft. Daddy Yankee - Tempted To Touch Remix.mp3 (9,000,091 bytes)

File Name: 01 - Sleepwalker.mp3 (14,147,584 bytes)

File Name: 02-Washington Is Next!.mp3 (12,777,472 bytes)

File Name: 03 - Never Walk Alone...A Call to Arms.mp3 (9,400,320 bytes)

File Name: 03 Touch The Sky (Feat. Lupe Fias.mp3 (3,802,892 bytes)

File Name: 04 - United Abominations.mp3 (13,418,496 bytes)

File Name: 05 - Gears of War.mp3 (10,641,408 bytes)

File Name: 06 - Blessed Are the Dead(1).mp3 (5,820,544 bytes)

File Name: 07 - Pray For Blood.mp3 (9,168,896 bytes)

File Name: 09 - Amerikhastan.mp3 (8,957,952 bytes)

File Name: 10-You're Dead.mp3 (4,771,968 bytes)

File Name: 11 - Burnt Ice.mp3 (9,089,024 bytes)

File Name: 11 Dre Day.m4a (4,737,864 bytes)

File Name: 14 Megadeth - A Tout Le Monde feat. Cristina Scabbia.mp3 (3,969,024 bytes)

File Name: 2 pac-Tupac - Shorty Wanna Be A Thug.mp3 (9,272,809 bytes)

File Name: 36 Mafia - Poppin My Collar.mp3 (3,388,895 bytes)

File Name: 36.Three Six Mafia - I Gotta Stay High.mp3 (5,624,895 bytes)

File Name: 90s R&B - Hip Hop - Blackstreet - No Diggity.mp3 (4,874,110 bytes)

File Name: Akon - Don't Matter.mp3 (7,161,529 bytes)

File Name: Akon ft. Eminem - Smack That.mp3 (5,082,887 bytes)

File Name: Akon ft. Snoop Dogg - I Wanna Love You(Clean).mp3 (5,171,244 bytes)

File Name: Alejandra Guzman - Hacer El Amor Con Otro.mp3 (4,489,280 bytes)

File Name: alejandra guzman - llama porfavor.mp3 (4,250,772 bytes)

File Name: Alejandra Guzman - Mala Hierba.mp3 (3,273,690 bytes)

File Name: Alejandra Guzman - Miralo, Miralo.mp3 (3,878,912 bytes)

131180313_UserLog(compressed).txt
File Name: alejandra guzman - rosas rojas.mp3 (4,811,344 bytes)
File Name: Alexis Y Fido - Me Quiere Besar.mp3 (4,929,664 bytes)
File Name: Aventura - Los Infieles(1).mp3 (4,879,312 bytes)
File Name: Banda El Recodo - Tus Palabras.mp3 (2,817,361 bytes)
File Name: Banda El Recodo y Antonio Aguilar - Tristes Recuerdos.mp3 (3,737,677 bytes)
File Name: BELANOVA - ME PREGUNTO PORQUE.mp3 (4,286,905 bytes)
File Name: Belanova - Por Ti.mp3 (3,473,744 bytes)
File Name: Beyonce - B'Day - 09 - Irreplaceable.mp3 (9,102,940 bytes)
File Name: Beyonce ft Shakira - Beautiful Liar.mp3 (3,344,552 bytes)
File Name: Biggie Smalls- I Got a Story to Tell.mp3 (4,530,386 bytes)
File Name: Blink 182 - Adams Song.mp3 (5,983,436 bytes)
File Name: Blink 182 - All The Small Things.mp3 (4,031,568 bytes)
File Name: Blink 182 - Dammit.mp3 (2,644,764 bytes)
File Name: Blink 182 - Dumpweed.mp3 (2,302,180 bytes)
File Name: Blink 182 - Emo.mp3 (2,723,840 bytes)
File Name: Blink 182 - Girl At The Rock Show.mp3 (2,688,369 bytes)
File Name: Blink 182 - I Miss You.mp3 (5,457,629 bytes)
File Name: Blink 182 - What's My Age Again.mp3 (2,345,714 bytes)
File Name: Blink 182- So Sorry, It's Over.mp3 (2,710,500 bytes)
File Name: Bon Jovi - This Ain't A Love Song.MP3 (4,888,863 bytes)
File Name: Bow Wow ft. Chris Brown - Shortie Like Mine.mp3 (4,379,692 bytes)
File Name: Brown_Boy--_Superman.mp3 (4,956,552 bytes)
File Name: Busta Rhymes (feat Mariah Carey & Flipmode Squad) - I Know what You Want (Baby if U Give it to me).mp3 (7,784,923 bytes)
File Name: Cannibal Corpse - Blood Drenched Execution.mp3 (2,547,900 bytes)
File Name: Cannibal Corpse - Eyes of the Dead.mp3 (3,373,056 bytes)
File Name: Cannibal Corpse - Fucked With A Knife.mp3 (2,177,024 bytes)
File Name: Cannibal Corpse - Gallery of Suicide.mp3 (3,764,686 bytes)
File Name: Cannibal Corpse - Hammer Smashed Face.mp3 (3,874,020 bytes)
File Name: Cannibal Corpse - Roots Bloody Roots(Sepultura Cover).mp3 (2,820,046 bytes)
File Name: Cannibal Corpse - Severed Head Stoning.mp3 (2,529,083 bytes)

131180313_UserLog(Compressed).txt
File Name: Cannibal Corpse - The Exorcist.mp3 (4,450,568 bytes)
File Name: Carmen- Lean Like A Chola.mp3 (6,004,028 bytes)
File Name: Chris Brown - Say Goodbye(1).mp3 (6,805,547 bytes)
File Name: Ciara - Promise.mp3 (4,303,308 bytes)
File Name: Ciara-Promise.mp3 (4,303,346 bytes)
File Name: Copy of Dr. Dre and Eminem - Forgot About Dre.mp3 (5,335,126 bytes)
File Name: David Bisbal- Amar Es Lo Que Quiero.mp3 (6,117,234 bytes)
File Name: DJ Unk--Walk It Out (dirty).mp3 (3,586,268 bytes)
File Name: Down_aka_Kilo_Lean_Like_A_Cholo.mp3 (4,760,666 bytes)
File Name: Dr. Dre - Bang Bang.mp3 (3,561,472 bytes)
File Name: Dr. Dre cronic 2001 - Explosive.mp3 (3,444,864 bytes)
File Name: El Coyote y Su Banda - Prohibido.mp3 (2,820,588 bytes)
File Name: El COYOTE Y SU BANDA-Sufro.mp3 (4,939,883 bytes)
File Name: Erykah Baduh - Next Lifetime.mp3 (6,185,344 bytes)
File Name: Hector El Father - Sola (The Bad Boy).mp3 (3,473,408 bytes)
File Name: Jenni Rivera - Besos y Copas.mp3 (3,199,982 bytes)
File Name: Jibbs Feat.Chamillionare - King Kong.mp3 (3,308,818 bytes)
File Name: Jock Jams - I Like to Move it.mp3 (3,632,901 bytes)
File Name: Julio Chaidez - estrellas y diamantes.mp3 (2,077,044 bytes)
File Name: K PAZ DE LA SIERRA - DE RODILLAS TE PIDO.mp3 (3,448,938 bytes)
File Name: Kanya West - Diamonds Are Forever.mp3 (3,837,232 bytes)
File Name: Kazzabe - 123 punta Punta.MP3 (2,791,434 bytes)
File Name: KoRn & Sepultura - Look Away (Rare).mp3 (5,362,048 bytes)
File Name: LL Cool J- Control Myself (Feat. Jennifer Lopez).mp3 (5,632,000 bytes)
File Name: Lloyd Ft. Lil Wayne - You.mp3 (5,937,152 bytes)
File Name: los alegres de la sierra- de rodillas te pido.mp3 (5,185,850 bytes)
File Name: los canelos de durango - - chuy y mauricio.mp3 (3,427,414 bytes)
File Name: los rieleros del norte - voy a llorar por ti.mp3 (6,737,546 bytes)
File Name: Los Rieleros del Norte - Dime Quién Es.mp3 (4,245,204 bytes)
File Name: Los Rieleros Del Norte - El columpio.mp3 (3,235,806 bytes)
File Name: Los Rieleros Del Norte - Te Quiero Mucho.mp3 (3,319,955 bytes)
File Name: Los Rieleros del Norte - Una Aventura.mp3 (3,225,062 bytes)

131180313_UserLog(Compressed).txt

File Name: Los Rieleros del Norte -Y que el mundo ruede.mp3 (2,710,950 bytes)
File Name: Ludacris - Blueberry Yum Yum.mp3 (5,894,621 bytes)
File Name: Ludacris Ft. Mary J. Blige - Runaway Love.mp3 (5,628,932 bytes)
File Name: Mary J Blidge - I'm Going Down.mp3 (2,666,644 bytes)
File Name: Mary J. Blige-Be without You.mp3 (6,108,517 bytes)
File Name: MC Magic-Lies.mp3 (5,319,243 bytes)
File Name: Megadeath - Almost Honest.mp3 (3,907,584 bytes)
File Name: Megadeath - Trust.mp3 (4,965,664 bytes)
File Name: megadeth - Washington Is Next.mp3 (5,073,233 bytes)
File Name: Megadeth- Sleepwalker.mp3 (5,597,184 bytes)
File Name: metallica - fade to black metalica.mp3 (6,607,853 bytes)
File Name: Mims- This Is Why Im Hot (DIRTY).mp3 (6,133,644 bytes)
File Name: Mistah F.A.B. - Ghost Ride It.mp3 (5,580,928 bytes)
File Name: Mya - Ghetto Superstar.mp3 (4,243,898 bytes)
File Name: Nappy Roots - Po' Folks.mp3 (3,988,669 bytes)
File Name: Next - Too Close.mp3 (4,146,102 bytes)
File Name: Notorious B.I.G. (Biggie) - Hypnotized.mp3 (3,229,696 bytes)
File Name: Notorious B.I.G. - Big Poppa.mp3 (3,549,298 bytes)
File Name: Notorious BIG & Faith Evans - One More Chance.mp3 (4,126,093 bytes)
File Name: Notorious BIG & Puff Daddy - Mo Money More Problems.mp3 (4,119,114 bytes)
File Name: Notorious BIG - Going Back To Cali.mp3 (4,919,379 bytes)
File Name: Notorious BIG - Juicy.mp3 (4,843,348 bytes)
File Name: Notorious BIG featuring R Kelly- Im Fucking You Tonight.mp3 (5,541,587 bytes)
File Name: Notorious BIG ft. Bob Marley - Hold Ya Head.mp3 (3,974,836 bytes)
File Name: Omariion- Ice Box.mp3 (4,193,427 bytes)
File Name: Ose - Ahora Que No Estas.mp3 (3,429,200 bytes)
File Name: Outkast - Fresh So And So Clean.mp3 (5,018,166 bytes)
File Name: Outkast - The whole world.mp3 (4,769,129 bytes)
File Name: Ozzy Osborne - Crazy Train.mp3 (4,765,696 bytes)
File Name: Ozzy Osbourne - Mama I'm Coming Home.mp3 (4,034,558 bytes)
File Name: Ozzy Ozborne - Dreamer.mp3 (4,559,227 bytes)

131180313_UserLog(Compressed).txt

File Name: P. Diddy ft. Keisha Cole - Last Night.mp3 (8,944,160 bytes)

File Name: P.Diddy - Notorious BIG & Mase - Been Around The World.mp3 (5,203,298 bytes)

File Name: PITBULL - AY_CHICO_-_LENGUA_AFUERA.mp3 (6,705,474 bytes)

File Name: Psychopatia - 3 - Upstate Of Dementia (NU_METAL)(Slipknot, Mudvayne, Static-x, Fear Factory, Nonpoint, Nothingface, Dry Kill Logic, Linkin Park, Sepultura, Slayer, Soulfly, De.mp3 (7,950,641 bytes)

File Name: R.Kelly Ft. T.I. & T.Pain - I'm A Flirt.mp3 (5,091,607 bytes)

File Name: Rakim & Ken-Y - MasterPiece - Cruzito - Dime Que Sera - Radio Rip By Akakike.mp3 (3,233,041 bytes)

File Name: Rakim Y KenY - Dime.mp3 (4,224,081 bytes)

File Name: Rakim y KenY - La noche mas triste.mp3 (3,710,424 bytes)

File Name: Rakim Y KenY - Me Matas.mp3 (3,145,751 bytes)

File Name: Rakim y keny -Down.mp3 (3,615,076 bytes)

File Name: Robin Thicke - Lost Without You.mp3 (8,056,437 bytes)

File Name: Sepultura & Luciano Pavarotti - Roots, Bloody Roots.mp3 (3,588,224 bytes)

File Name: Sepultura - Arise.mp3 (3,173,274 bytes)

File Name: Sepultura - Chaos A D - Territory.mp3 (4,598,096 bytes)

File Name: Sepultura - Dead Embryonic Cells.mp3 (4,675,584 bytes)

File Name: Sepultura - Desperate Cry.mp3 (6,416,219 bytes)

File Name: Sepultura - Inner Self.mp3 (4,950,144 bytes)

File Name: Sepultura - Propaganda.mp3 (3,412,765 bytes)

File Name: Sepultura - Ratamahatta.mp3 (4,328,018 bytes)

File Name: Sepultura - Refuse Resist.mp3 (3,198,976 bytes)

File Name: Sepultura - Roots Bloody Roots.mp3 (3,401,897 bytes)

File Name: Sepultura-Murder.mp3 (4,942,836 bytes)

File Name: Serenity In Murder.mp3 (2,507,175 bytes)

File Name: Slayer - Angel of Death.mp3 (4,669,568 bytes)

File Name: Slayer - Black Magic.mp3 (3,909,173 bytes)

File Name: Slayer - Expendable Youth.mp3 (4,003,608 bytes)

File Name: Slayer - Hell Awaits.mp3 (6,001,024 bytes)

File Name: Slayer - I Hate You.mp3 (2,182,131 bytes)

File Name: Slayer - Killing Fields.mp3 (3,799,198 bytes)

131180313_UserLog(Compressed).txt
File Name: Slayer - Reign in Blood.mp3 (4,111,174 bytes)
File Name: Slayer - Seasons In The Abyss.mp3 (6,342,281 bytes)
File Name: Slayer - South Of Heaven.mp3 (4,799,890 bytes)
File Name: Slayer - War Ensemble.mp3 (4,663,716 bytes)
File Name: Slayer- Here Comes the Pain.mp3 (4,247,680 bytes)
File Name: Snow Patrol - Chasing Cars.mp3 (5,361,499 bytes)
File Name: The Spine Splitter.mp3 (3,037,078 bytes)
File Name: Three 6 Mafia - 36 MOFIA - I'm So High.mp3 (3,786,292 bytes)
File Name: Tito el Bambino feat Don Omar y Beenie Man - Flow Natural ReMix (CeRa Reggaeton ReMix Top of the line Agosto06).mp3 (3,766,283 bytes)
File Name: Tito El Bambino-Mia.mp3 (5,223,534 bytes)
File Name: Toby Love Ft Alexis & Fido - Please Don't Cry (Rmx) .mp3 (4,294,599 bytes)
File Name: Tsunami Bomb - 3 days 1000 nights.mp3 (3,360,824 bytes)
File Name: tsunami bomb - mushy love song.mp3 (1,773,923 bytes)
File Name: Tsunami Bomb - Not Forever.mp3 (2,161,420 bytes)
File Name: Tsunami Bomb - Say it if you Mean it.mp3 (3,078,272 bytes)
File Name: Tsunami Bomb- Barbie Girl (punk version).mp3 (2,586,957 bytes)
File Name: Tsunami Bomb- dawn on a funeral day.mp3 (3,811,649 bytes)
File Name: Tupac ft. Notorious BIG - Running.mp3 (3,697,684 bytes)
File Name: Tupac Shakur - Keep Your Head Up (1).mp3 (4,204,217 bytes)
File Name: Wisin y Yandel - Pam Pam.mp3 (3,643,540 bytes)
File Name: xtreme - shorty shorty.mp3 (2,108,266 bytes)
File Name: Xtreme-Te Extraño.mp3 (5,768,221 bytes)
File Name: Yuridia Como yo nadie te ha amado -.mp3 (4,212,864 bytes)
File Name: Zion - Alocate.mp3 (5,167,064 bytes)